

DATE: 11/20/15

JUDGE: O'GRADY

REPORTER: N. Linnell

START: 2:19

FINISH: 5:10

CIVIL ACTION NUMBER: 1:14cv1611

BMG RIGHTS MANAGEMENT (US) LLC, et.al.

V.

COX COMMUNICATIONS, INC., et.al.

Appearance of counsel for: (X) Plaintiff (X) Defendant

The following motions were heard:

Cox's [460] Motion to Exclude the Testimony of Putative Expert William Lehr,

Ph.D. – granted in part.

Cox's [463] Motion to Exclude the Testimony of Putative Expert Terrence P.

McGarty, Ph.D. – granted in part.

Cox's [470] Motion to Exclude the Testimony of Putative Expert Ralph Oman –

granted.

Cox's [473] Motion to Exclude the Testimony of Putative Expert Robert A.

Bardwell, Ph.D. – denied.

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Cox's [477] Motion to Exclude the Testimony of Putative Expert Stephen M.

Nowles, Ph.D. – denied.

Cox's [532] Motion in Limine No. 1 to Preclude Plaintiffs from Using Rightscorp

Notices as Proof of Infringement – deferred.

Cox's [534] Motion in Limine No. 2 to Preclude Plaintiffs from Referring to Mere

Use of BitTorrent or Amount of BitTorrent Infringing Activing as Proof of

Infringement – denied.

Cox's [536] Motion in Limine No. 3to Preclude Plaintiffs from Referring to Cox's

Failure to Preserve DHCP Logs – denied.

BMG's [449] Motion to Exclude Portions of the Expert Report and Limit the Trial

Testimony of Cox's Expert William Rosenblatt – granted.

BMG's [453] Motion to Exclude the Expert Report, Opinion, and Trial Testimony

of Cox's Expert Joseph Karaganis – granted.

BMG's [466] Motion to Exclude Ryan Sullivan from Offering Opinions or

Testimony Regarding the Economic Effects of Infringement Over the Cox Network

– denied.

BMG's [543] Motion in Limine No. 1 to Exclude Introduction of Irrelevant

Information About Rightscorp, Inc. – granted.

BMG's [546] Motion in Limine No. 2 to Exclude Evidence Related to the10%

Bitfield Threshold (Dkt. No. 546] - denied.

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BMG's [550] Motion in Limine No. 3 to Prohibit Cox from Referencing the Copyright Alert System or the DMCA Practices of Other Internet Service Providers – granted.

BMG's [553] Motion in Limine No. 4 to Exclude Evidence or Argument Concerning the Communications Decency Act – granted.

BMG's [556] Motion in Limine No. 5 to Preclude Defendants from Introducing Evidence or Argument that BMG's Corporate Parent Was Affiliated with Napster – moot.

BMG's [559] Motion in Limine No. 6 to Exclude Argument that Cox Is Not Liable for Infringement Over Its Network by Users Other Than Named Account Holders – granted in part.

BMG's [562] Motion in Limine No. 7 to Preclude Cox and Its Experts from Using Deceptive Notice and Warning Statistics to Argue that Its "Graduated Response" Is Highly Effective at Curbing Infringement – granted.

BMG's [565] Motion in Limine No. 8 to Prohibit Cox's Designated Expert William Rosenblatt from Opining on the Testimony and Actions of Percipient Witnesses Based on Personal Conversations – granted.

BMG's [568] Motion in Limine No. 9 to Exclude Evidence Concerning Other Internet Service Providers' Treatment of Rightscorp Inc.'s Notices and Other Infringement Notices Containing Settlement Offers – granted.

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BMG's [571] Motion in Limine No. 10 to Preclude Defendants from Introducing

Evidence or Argument Relating to Purported "Advice of Counsel" - granted.

Order to follow.